

RE: UCSD Bookstore Sexual Misconduct Investigation

ER

Johnson, Erika

Thu, 10 Oct 2019 12:59:04 PM -0700

To "Managing" <managing@triton.news>

Cc "Clark, Christine E." <ceclark@ucsd.edu>, "news@triton.news" <news@triton.news>, "moa821@gmail.com" <moa821@gmail.com>, "s1naraya@ucsd.edu" <s1naraya@ucsd.edu>

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Hello,

The title IX office, in this case, UC San Diego's Office of Prevention of Harassment and Discrimination, is responsible responding to all media inquiries related to title IX investigations and that office has responded to your request.

Thank you,

Erika Johnson

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UC San Diego

From: Managing <managing@triton.news>

Sent: Thursday, October 10, 2019 12:42 PM

To: Johnson, Erika <erjohnson@ucsd.edu>

Cc: Clark, Christine E. <ceclark@ucsd.edu>; news@triton.news; moa821@gmail.com; s1naraya@ucsd.edu

Subject: RE: UCSD Bookstore Sexual Misconduct Investigation

So just to clarify, we will not be receiving responses from the former Bookstore Director?

Best,
Ethan

----- On Thu, 10 Oct 2019 12:17:46 -0700 erjohnson@ucsd.edu wrote -----

Hello Ethan,

Thanks for the follow-up. Per the response we previously issued, we cannot share details about specific cases in order to protect the privacy of those involved, and again we can however share an overview of processes, which I am resending (see below).

At the beginning of an investigation, OPHD sends a notice of investigation to the complainant and respondent. At times, respondent supervisors may receive a copy of the notice or another separate communication so that they are aware that OPHD is conducting an investigation in their area. This is done for two reasons: a) so the supervisor can assist OPHD in preventing potential acts of retaliation against anyone who participates in the investigation process; and, b) to work

with the supervisor to balance the need for the investigation against the work of the unit and limit the amount of disruption that OPHD may cause as a result of the investigation (scheduling/shift changes, etc). If interim measures are necessary, such as investigatory leave, OPHD makes the request of the appropriate supervisor and HR personnel to effectuate the interim measure or leave. However, OPHD does not share with such individuals any details of the investigation.

During an investigation process, the only individuals with whom OPHD shares investigation information – other than staff in OPHD –are the complainant, respondent and witnesses. Witnesses only receive information necessary for an interview and to gather evidence. In order to protect the privacy of the other party and the integrity of the investigation process, OPHD requests that complainants and respondents not share what is learned during the investigation process while the investigation is happening with anyone other than the investigator, their advisor or attorney, or the Title IX Officer. OPHD also asks all witnesses not to share information they learn during the investigation process. However, it is important to recognize that although OPHD makes these requests of participants, OPHD cannot prevent someone from talking to others about their experience or releasing information that was learned through the investigation process.

In order to protect the privacy of the complainant, respondent and witnesses, OPHD releases the outcome of the investigation and a copy of the investigation report only to the complainant and respondent and any supervisors and individuals who have a specific role in the discipline or adjudication process so that they may carry out their responsibilities.

When OPHD conducts an investigation, rarely does it include a recommendation for investigatory leave. Such a recommendation is made only when OPHD concludes that the safety of the parties, or campus, is threatened; to protect both the complainant and respondent from further allegation or retaliation; and at times to protect the integrity of the investigation process.

To determine if someone would be placed on leave, the decision is based on the alleged behavior and the likelihood that the behavior will continue if that person remains in the community while OPHD conducts an investigation and the university determines how to resolve the matter. The main goal is to preserve the safety of the complainant(s) and the broader university community.

To determine if a leave of absence is necessary, OPHD evaluates the following:

- Was a weapon used?
- Was there force used or threat of force?
- Was predation and/or drugging involved?
- Were there multiple complaints of the same or similar behavior by the same person?
- Is there a past history or pattern of the same or similar behavior?
- Does the presence of the accused jeopardize the integrity of the investigation (complainant or witness participation, ability to gather evidence, etc.)

Additionally, when the respondent is an employee we also review that employee's contact/interactions with students that is part of their job or position to determine whether there is any concern with having that person continue their interaction with students during the course of the investigation and resolution process.

Erika Johnson

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From: Managing <managing@triton.news>

Sent: Tuesday, October 8, 2019 9:56 PM

To: Johnson, Erika <erjohnson@ucsd.edu>

Cc: Clark, Christine E. <ceclark@ucsd.edu>; News <news@triton.news>; moa821 <moa821@gmail.com>; s1naraya <s1naraya@ucsd.edu>

Subject: RE: UCSD Bookstore Sexual Misconduct Investigation

Hi Erika and Christine,

I just wanted to check in. We've set the publish date for this article to Monday 10/14/19. I believe the campus community deserves answers to both the questions I sent a year ago and the questions I sent last week, as it would help them better understand the incident.

Thanks,



Ethan Edward Coston

Managing Editor | [The Triton](#)

UC San Diego Political Science C.O. '20

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----- On Mon, 30 Sep 2019 12:02:20 -0700 **Managing** <managing@triton.news> wrote -----

Thanks Erika!

The original questions are below and I added a couple new ones underneath. I'm currently interviewing students and may have more questions when I finish. Ideally I'd like to have an article out within the next 2 weeks.

1. I have an email stating that Labotski resigned on January 19, 2018. The investigation report is dated November 28, 2017. What happened between the conclusion of the investigation and his resignation?
2. Were any staff (pro or student) informed of the investigation during the investigation or after it concluded? Was he instructed to tell, did he tell, or did someone else tell the student and pro staff members that worked under him that he was under investigation at any time? Were any other bookstore employees informed about the investigation?
3. In hindsight, is there anything you think you could have handled differently?
4. Did you know Labotski outside of work?

New questions:

1. One of the former employees I interviewed alleged that multiple student employees in the loss prevention department threatened to quit or did quit because of Labotski's conduct during the investigation. Were you aware of this? Was this ever communicated to the OPHD investigator to reassess their initial assessment to keep Labotski in the workplace?
2. Did anyone ever tell student employees to stay quiet about the investigation or try to silence students speaking out about it?
3. Were any changes made to the bookstore after the investigation and Labotski left to ensure incidents like this do not happen in the future or to ensure that students feel more empowered

to speak out?

Best,
Ethan

----- On Mon, 30 Sep 2019 11:15:18 -0700 **Johnson, Erika** <erjohnson@ucsd.edu> wrote -

Hello Ethan,
Thanks for reaching out, let me check in with Cherie Scricca on these points.
You mentioned you sent questions about a year ago regarding Tom Bonetati. I don't have those questions, could you please forward and I can look into those as well.
Thank you,

Erika Johnson

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UC San Diego

From: Managing <managing@triton.news>
Sent: Saturday, September 28, 2019 3:27 PM
To: Johnson, Erika <erjohnson@ucsd.edu>
Cc: Clark, Christine E. <ceclark@ucsd.edu>; News <news@triton.news>; moa821 <moa821@gmail.com>
Subject: UCSD Bookstore Sexual Misconduct Investigation

Hi Erika,

I'm working on a story about the sexual misconduct investigation of Alan Labotski at the UCSD Bookstore. I have a screenshot of an email confirming that Labotski resigned sometime between December 2017 and January 2018. Someone I interviewed also told me that Labotski went on leave after the investigation concluded. Could I get the exact date Labotski resigned and the dates Labotski went on leave for? Was Labotski placed on leave or did he voluntarily take a leave of absence?

I also wanted to check in on responses to the questions I sent for former Bookstore Director and current RMP Auxiliary Services Director Tom Bonetati almost a year ago. I'm planning to publish an article in the next two weeks.

Thanks,

T

Ethan Edward Coston

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